



# Arizona Department of Environmental Quality

## Waters of Arizona Tribal Information Sessions

February 20th: Phoenix

February 25th: Tucson

February 27th: Flagstaff





# WELCOME

Trevor Baggione, ADEQ Water Quality Division Director

# TIPS FOR A GOOD MEETING



**RESTROOMS, PHONES, BREAKS**



**IDENTIFY QUESTION/ISSUES**



**LISTEN TO OTHERS**



**WORK TOGETHER**



- Welcome
- Introductions
- Final WOTUS Rule
- Surface Water Program for Arizona
- Next Steps







# OVERVIEW

**Krista Osterberg- ADEQ Surface Water Quality Improvement  
Value Stream Manager**

# CLEAN WATER ACT HISTORY

## Brief Overview AZ and the Clean Water Act

1972



October 18, 1972 the Clean Water Act defines jurisdictional waters as "waters of the United States" (WOTUS)

1987



AZ State Legislature created Arizona Department of Environmental Quality (ADEQ) as the state's cabinet-level environmental agency

1992



ADEQ water quality standards for surface waters and designated uses applicable to WOTUS waters

1999



AZ Legislature grants ADEQ authority to set water quality standards for "Waters of the State"

2002



ADEQ receives primacy from EPA on all AZPDES permits

2020



Final WOTUS rule published (Navigable Waters Protection Rule)

# CURRENT WOTUS RULE IN AZ



Traditional Navigable  
Waters and Adjacent  
Wetlands

Perennial and  
Intermittent Tributaries  
and Certain Wetlands



Ephemeral Tributaries  
and Wetlands with a  
Significant Nexus

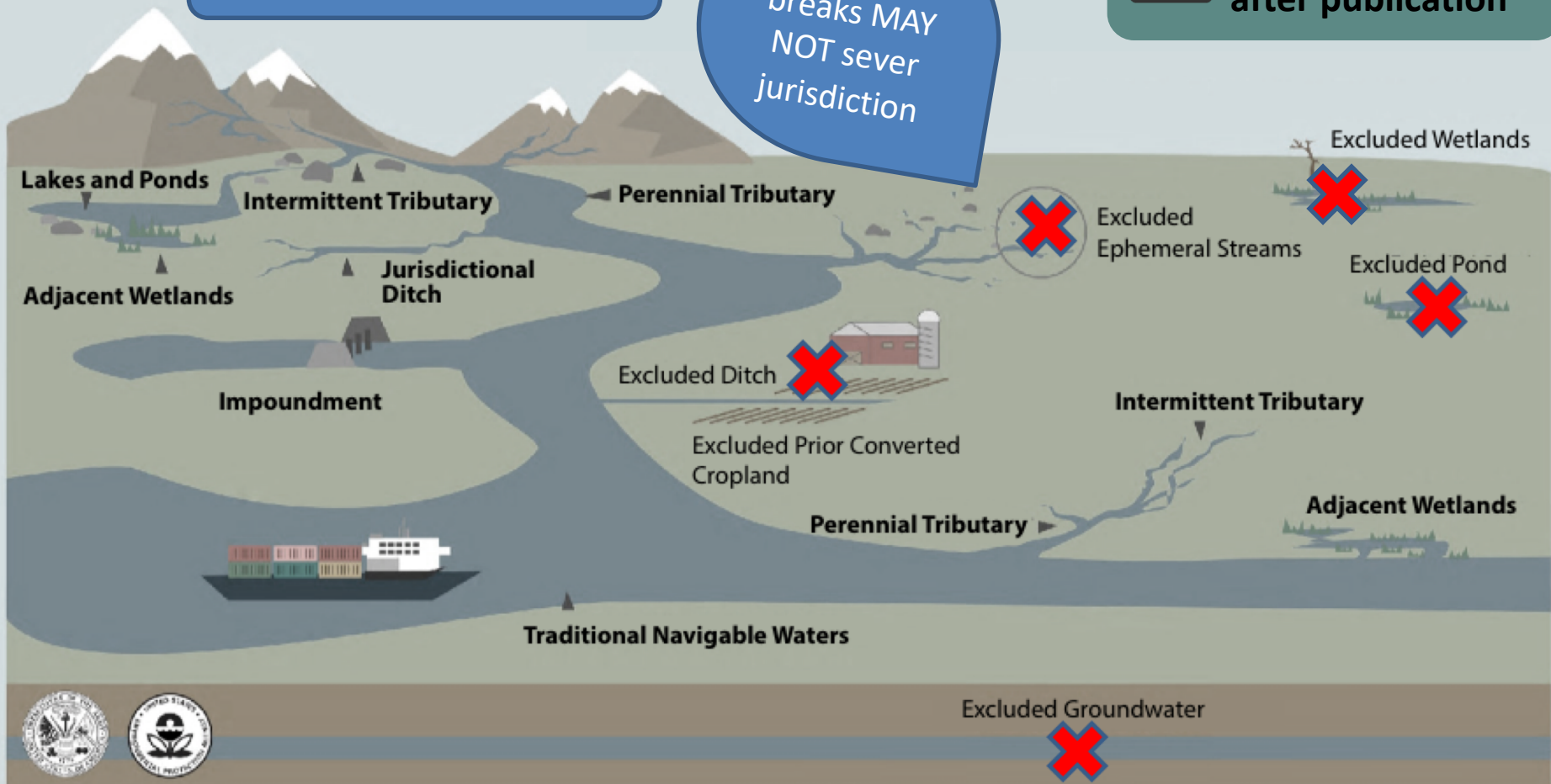
# NAVIGABLE WATERS PROTECTION RULE

Analysis of Typical Year

Ephemeral  
breaks MAY  
NOT sever  
jurisdiction



Effective: 60 days  
after publication



\* For illustrative purposes only. Proposed jurisdictional waters in **bold**.



# Excluded Waters Under WOTUS Rule

92%

Miles Non-Jurisdictional

50%

Perennial/ Intermittent Streams

• ~3,600 Miles

100%

Ephemeral Drainages

• ~28,800 Miles

95%

Lakes

• ~ 2000 Lakes

-All Urban Lakes

95%

All AZPDES Permits Types

• Stormwater, General and  
Individual permit types

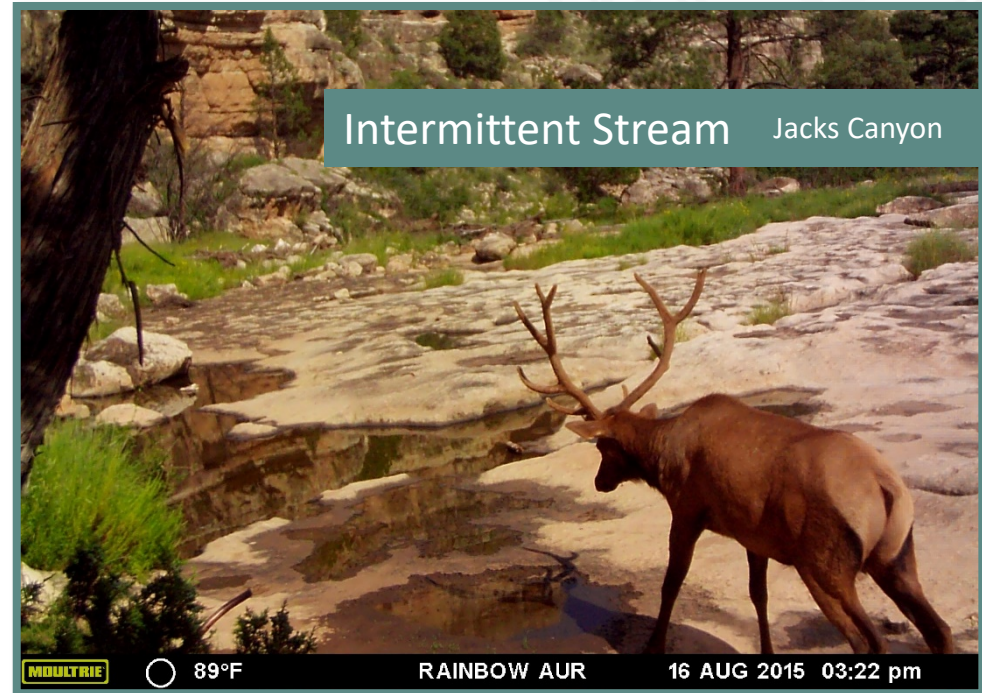
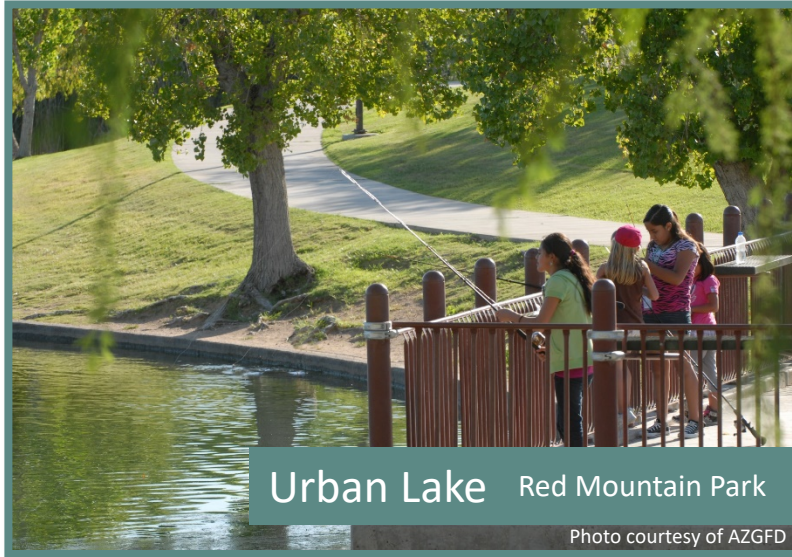
\*Indicated values are based on best available information, and are subject to change as additional and/or more accurate information becomes available to ADEQ.

- **APP program**
- **Nuisance authority**
- **Standards setting authority**
- **Enforcement authority**





# Arizona Examples



# NEW WOTUS RULE: TRANSITION



## Permit Holder Information Meeting

Monday, March 23rd


1:00 – 4:00

ADEQ-Phoenix





# WOTUS RULE Questions?

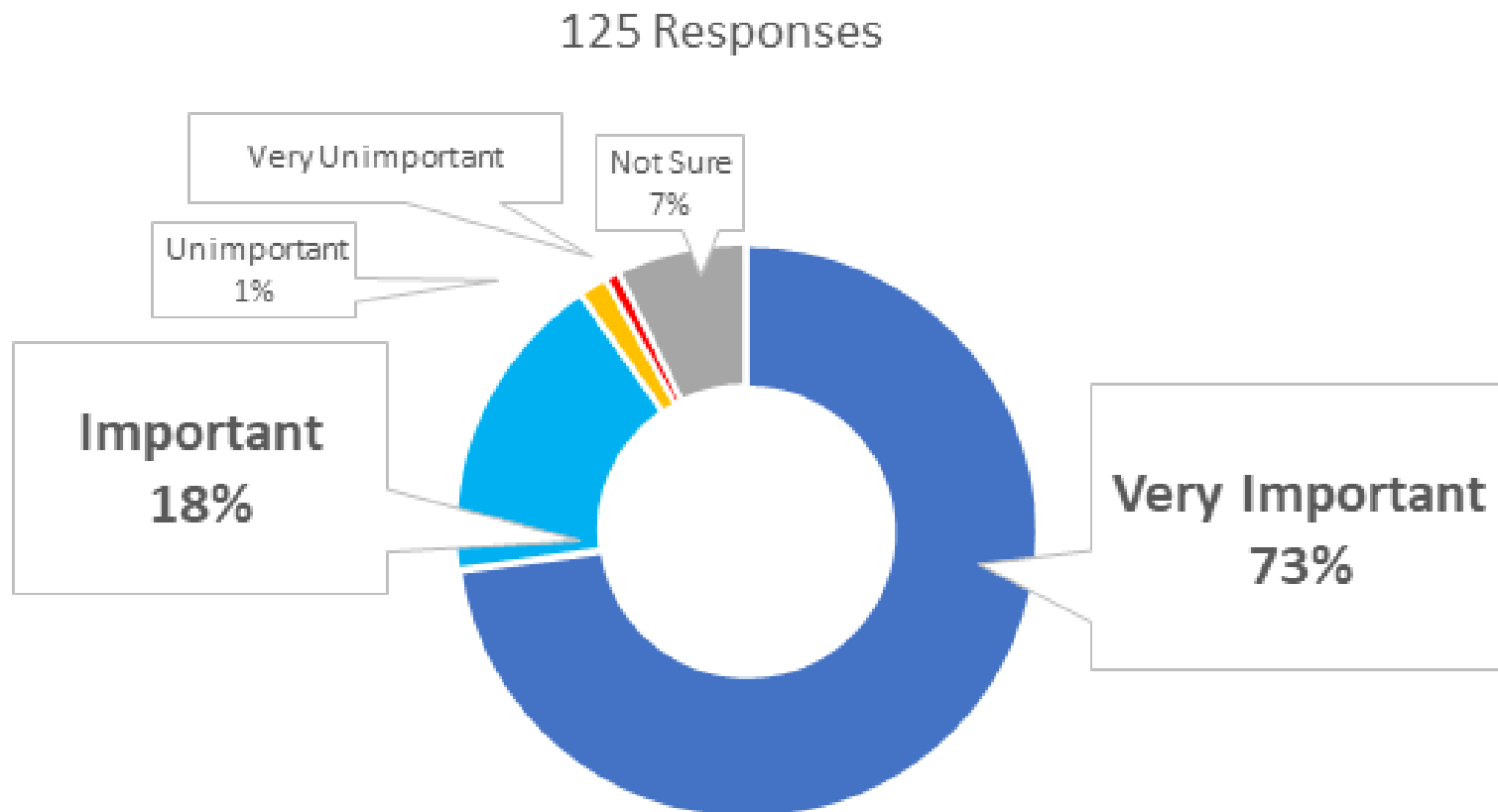


Online Participants:  
Send Questions via Webinar Chat Window or email to  
[watersofarizona@azdeq.gov](mailto:watersofarizona@azdeq.gov)

# **SURFACE WATER PROTECTION PROGRAM FOR ARIZONA**

# IMPORTANCE OF A STATE PROGRAM

- November 2019 Stakeholder Input
  - 91% important to have a state program



# WHAT IS A STATE PROGRAM?



**Disable Cut Copy Paste**



**The future or desired result we are willing to  
commit to achieve.**

# GUIDING



# PRINCIPLES

**Design criteria to guide the development of a new state program.**

**EXERCISE:**

**Review and rate the draft guidelines based on input received during November stakeholder meetings.**



# PARADIGM SHIFT



# USES TO BE PROTECTED

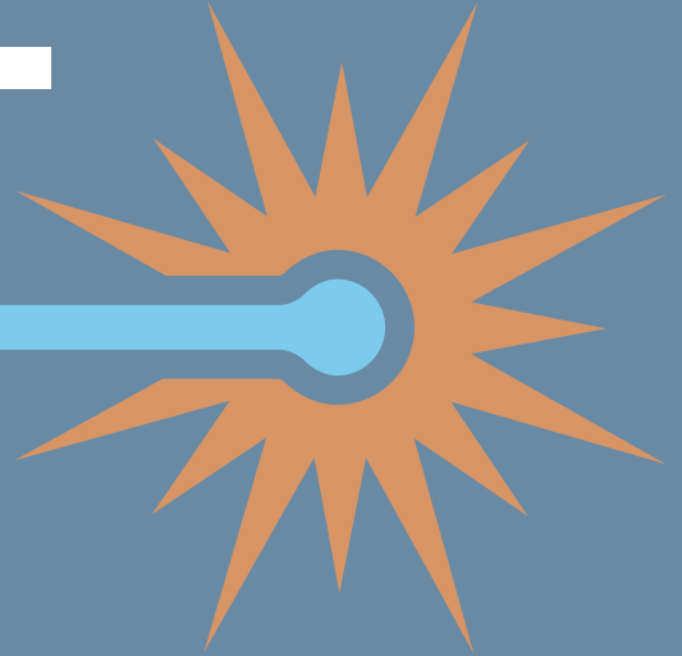
## **Input from November Stakeholder Meeting**

1. Drinking Water
2. Aquatic and Wildlife
3. Recreation
4. Fish Consumption
5. Swimming
6. Cultural and Historic Resources
7. Irrigation
8. Wading
9. Aesthetics
10. Livestock Watering





# IMPACT



**What are the things that may impact the uses we want to protect?**

**How would you determine the risk of a discharge from one of your identified impacts affecting this use?**

# What Next?



**2020**

- **March**
  - Establish a stakeholder advisory group
  - Permit Holders Information Meeting
- **April**
  - Form technical work groups as needed
- **May/June**
  - Draft program outline for stakeholder input

# PROGRAM TIMELINE



# More Information

- Email:  
[watersofarizona@azdeq.gov](mailto:watersofarizona@azdeq.gov)
- ADEQ Waters of Arizona Website:  
<https://azdeq.gov/woaz>

